

News from Congressman David Price (NC-04)

Chairman, House Appropriations Subcommittee on Homeland Security

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OPENING STATEMENT OF CHAIRMAN DAVID PRICE ***Subcommittee Markup: FY 2009 Homeland Security Appropriations Act***

I am pleased today to hold this Subcommittee mark-up of the 2009 Homeland Security Appropriations bill. The Subcommittee has held an extensive series of 15 hearings so far this year, featuring testimony from Department officials, watchdog agencies, and outside experts. We focused on every component and nearly every office in the Department, and we offered both encouragement and criticism where warranted. The mark that I am asking all Subcommittee members to approve today is well informed by what we learned in those hearings and offers the resources and direction the Department needs for the coming fiscal year. We also worked hard to include items in the bill and report that address concerns raised by Subcommittee members.

I want to thank the distinguished Ranking Member for his advice and help in making this a better bill. He and his staff worked cooperatively with us during the bill writing process, and provided many constructive suggestions and additions. And, while we may not agree on every item in the bill, I think we agree on most of what the bill entails.

Overall, the discretionary total in the bill for the Department of Homeland Security is \$39.9 billion. This is \$2.2 billion, or almost 6 percent above the comparable fiscal year 2008 amount (including border funding with an emergency designation) and \$2.3 billion above the Administration's requested funding level. The total does not include the \$2.18 billion advance appropriation for fiscal year 2009 that was provided in the fiscal year 2004 Homeland Security Appropriations Act. Although this funding was appropriated to DHS, it is for Project BioShield, which is primarily managed by HHS.

The first objective guiding the allocation of funding in the bill was to correct known funding deficiencies and shortfalls, which were substantial.

Prime among these deficiencies was the President's proposal to cut first responder and port grant programs – those programs that help improve the training and readiness of our nation's firefighters, police and other emergency responders – by \$2 billion, or 49 percent. The Subcommittee mark restores this funding.

We provide:

- \$950 million for State Homeland Security grants, the same as last year, and \$750 million above the President's proposed funding level;
- \$850 million for Urban Area Security Initiative grants, \$30 million above last year and \$25 million more than the President requested;

- \$400 million for Transit Security Grants, the same as last year, and \$225 million more than the President's budget request;
- \$800 million for Fire Grants, \$50 million more than last year, and \$500 million more than what the President proposed;
- \$315 million for Emergency Management Performance Grants, \$15 million more than last year, and a \$115 million increase above the President's budget; and
- \$400 million for port security grants, the same as last year, and \$190 million above the President's budget.

The mark also restores programs for which the President proposed no dedicated funding. It provides:

- \$50 million for the Metropolitan Medical Response System;
- \$50 million for REAL ID grants;
- \$50 million for Interoperable Communications Grants;
- \$35 million for Emergency Operations Centers; and
- \$60 million for Operation Stonegarden.

Another deficiency in the President's budget is the lack of any funding to pay for law enforcement officer benefits for Customs and Border Protection Officers. In fact, the President proposed repealing the provision we included in last year's bill to give these Officers such status, a change that is set to go into effect just several weeks from now. The Subcommittee mark provides the full \$217 million necessary to pay for law enforcement officer benefits for CBP officers in FY 2009.

The last major deficiency that needed to be corrected was a proposed \$140 million cut in discretionary appropriations for explosive detection equipment at airports, compared to the fiscal year 2008 funding level. According to DHS, this proposed cut was based on the assumption that revenue from a new passenger surcharge would replace the reduced discretionary funding, but that surcharge is unlikely to be enacted by Congress. As a consequence, the Subcommittee mark restores the \$140 million to provide level funding of \$544 million to replace the out-of-date and inefficient explosive detection systems currently in use.

After making all of these changes, the Subcommittee was left with very little room to fund new initiatives. However, we were able to reduce some accounts that were not fully justified, or for which the budget justification overestimated the need, and to use those savings to fill a few other critical needs.

The Subcommittee mark includes \$200 million, \$100 million more than the President requested and \$47 million more than for fiscal year 2008, for the Emergency Food and Shelter program. Additional

resources for this program are especially critical now, as more and more people turn to food banks and other community support organizations to meet their basic needs. This is the largest single appropriation for this program in its 25 year history.

The bill includes \$4.8 billion for Immigration and Customs Enforcement, \$60 million above the request, and mandates that \$800 million of this be targeted to identifying dangerous criminal aliens and prioritizing these individuals for removal once an immigration judge orders them deported. The President had proposed no additional dedicated funds for this fundamental priority. To help with this effort to identify and deport aliens convicted of crimes, ICE is also required to give priority to requests by jails, prisons, and correctional institutions when signing agreements to delegate 287(g) immigration enforcement authority.

In addition, the Subcommittee mark requires ICE to cancel contracts with private detention facilities that receive a score below “adequate” in two consecutive audits of their compliance with detention standards, and also includes \$2 million to engage independent medical experts to review ICE medical care for detainees. The mark also expands the Alternatives to Detention budget by \$9.1 million and requires DHS to submit a plan for nationwide deployment of the program.

For U.S. Customs and Border Protection, the Subcommittee mark includes funding for 4,085 additional personnel, including the 2,200 additional Border Patrol agents and 539 additional CBP personnel that were requested. On top of this, the Subcommittee mark provided \$42 million to fund an additional 734 CBP Officers at airports and land borders and 100 additional agricultural specialists.

Regarding border funding, the Subcommittee bill repeats a requirement in last year’s bill that the Department notify the public 15 days before it waives any law in order to build fencing or other tactical infrastructure along the border. The bill also requires the Secretary to certify that the Department has consulted with local communities on the placement of border infrastructure and technology before it can obligate related funds. Also like last year’s bill, we are requiring the Department to present an analysis of its proposed infrastructure and technology solution for individual border segments so that Congress can be assured that the Department is taking the most effective approach.

To address the gap in funding for Northern border security, the Subcommittee mark provides almost \$2 million to transfer an additional 65 Border Patrol agents to the Northern border to fulfill the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004.

The Subcommittee mark limits the availability of US-VISIT funding for an air exit solution until completion of at least two pilot tests, one involving the Department’s current proposal, which would rely on the airlines to collect biometric data at check-in counters, and a second pilot in which the Department would be responsible for capturing exit biometrics at departure gates.

The Subcommittee mark includes \$5 million in additional funding for FEMA to measure the effectiveness of its grant programs. The Department has not moved quickly enough in this regard.

The Subcommittee mark includes \$1.9 billion, as requested, for Disaster Relief. We also provide an additional \$50,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding to convene a

panel of experts to develop solutions for restoring the affordable rental housing stock of communities affected by the 2005 hurricanes.

The Subcommittee bill imposes requirements on DHS to manage its programs efficiently and robustly, to ensure that –as the Ranking Member likes to say – they “plan their work and work their plan,” and to ensure that programs comply with all laws before they begin operations. The bill withholds a total of \$1.4 billion to ensure that this planning takes place before taxpayer dollars are spent. Programs for which funding is withheld include the Secure Border Initiative program, the Deepwater program, and the Cyber Security initiative.

This is a good bill, and I hope that every member of the Subcommittee will see fit to support it. I’d now like to turn to the distinguished Ranking Member for any opening comments he would like to make.

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